The Jury-man charged;

OR, HE

A LETTER

To a CITIZEN of *London*.

VVherein is shewed the true meaning of the Statute, Entituled,

An Act to prevent and suppress Seditious Conventicles.

As also, the false Glosses and Interpretations detected.

And it is evinced by Undeniable Reasons that the *Quakers* and others that are ordinarily committed to Prison, by Justices of the Peace and Chief Magistrates of Corporations, upon that Statute, are not guilty of the breach of it; and yet in reason it is impossible to convict any man among us of *being present at a Meeting, under pretence and colour of any exercise of Religion in other manner than is allowed by the* Lyturgy *or Practice of the Church of England*, except those that in their Meetings are manifestly Seditious or otherwise notoriously wicked.

And that that Juryman that finds any other person guilty, is himself guilty of Perjury, and liable to the Vengeance of God upon his Family and Trade, Body and Soul, in this world and that to come.

Hales of Schism.

For indeed all Pious Assemblies in times of Persecution and Corruptions, how-soever practised, are indeed, or rather alone, the Lawful Congregations and Publick Assemblies; though according to form of Law, are indeed nothing else but Riots and Conventicles, if they be stained with Corruption and Superstition.

London, Printed in the Year, 1664.

The JURY-MAN Charged:

OR,

A LETTER to a Citizen of LONDON, *&c.*

Dear SIR,

AS it is the nature of true Love and Friendſhip, both to wiſh and endeavour the Good and VVeal of thoſe we have regiſtred in our hearts for Friends; ſo it cannot be but that the happineſs of the one will redound to the other, and there will need nothing to the making your Friend partner in your Joyes but the knowledge of them. But among all Goods that can beautifie a Friend, none is comparable to that of a mind habituated to Holineſs, or delighting to do the VVill of God. And becauſe God ſpeaks to us by our Conſciences, it muſt needs be our neceſſary duty to walk according to the Light we find in that Divine Cloſet. And inaſmuch as the Light and Knowledge, at leaſt a great part of it, comes from without, through the windows of our ſenſes, we ought by all means to keep thoſe *Mediums* pure and untinctured; for otherwiſe the Light in our Souls will not be clear & orient. How can I then but greatly rejoyce in you, whom I find not only willing to obey, but diligent to know your Heavenly Maſters Will? the former of theſe Divine Qualities ſeparates you from the multitude of the world that lies in wickedneſs and diſobedience, the *latter* diſtinguiſhes you from ignorant Zealots and blindly obedient. Not but that I confidently believe that God that gave his Son for us when we were Enemies, will much more pardon and ſave us, being weak, and in ſome things ignorant Friends: but many and lamentable are the ſad Conſequences even of pardonable Ignorance, much more of the damnable Ignorance of thoſe that in killing and caſting out the Servants of God, *think they do God good Service*. And I have no ſlender grounds of fear leſt this may be the caſe of many of thoſe that are forward in executing penal Statutes upon Religious perſons for matters relating properly to their Religion and Conſcience. And leſt you may in the leaſt offend, through ignorance of any ſort, you are pleaſed to ask my advice what

you should do, if it should be your lot to be called forth on a Grand Inquest or other Jury, for the putting in execution the late Act, entituled, *An Act to prevent and suppress Seditious Conventicles*. I could wish you had made use of some other in this Question, that had been well-skilled in the Laws of *England*, rather than of me that am wholly ignorant in that study; but however, being assured you will pardon what you know flows from a sincere intention, I shall not be afraid to give you my private judgment as a Christian (whatever it is) in a case that may be my own as well as yours, though likely to be yours first. We have seen the Title of the Act already, it proceeds thus: ——*For providing therefore of further and more speedy remedies against the growing and dangerous practices of Seditious Sectaries and other disloyal persons, who under pretence of tender Consciences, do at their Meetings contrive Insurrections; as late experience hath shewed:* — *Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That if any person of the age of sixteen years or upwards, being a Subject of this Realm, at any time after the first day of* July, *which shall be in the year of our Lord* 1664, *shall be present at any Assembly, Conventicle or Meeting, under colour or pretence of any exercise of Religion, in other manner than is allowed by the Liturgy or Practice of the Church of* England, *in any place within the Kingdom of* England, *Dominion of* Wales, *or Town of* Berwick upon Tweed, *at which Conventicle, Meeting or Assembly there shall be five persons or more assembled together, over and above those of the same household; Then it shall and may be lawful to and for any two Justices of the Peace, of the County, Limit, Division, or Liberty wherein the Offence aforesaid shall be committed, or for the Chief Magistrate of the place where such Offence aforesaid shall be committed (if it be within a Corporation where there are not two Justices of the Peace) And they are hereby required and enjoyned, upon proof to them or him respectively, made of such Offence, either by Confession of the Party, or Oath of Witness, or notorious Evidence of the Fact (which Oath the said Justices of the Peace and Chief Magistrate respectively are hereby impowred and required to administer) to make Record of every such Offence and Offences under their Hands and Seals respectively; which Record so made as aforesaid, shall to all intents and purposes be in Law taken and adjudged to be a full and perfect Conviction of every such Offender for such Offence: And thereupon the said*

Justices

Justices and Chief Magistrates respectively, shall commit every such Offender so convicted as aforesaid, to the Gaol or House of Correction, there to remain without Bail or Mainprize for any time not exceeding the space of three months, Unless such, &c.

Now Sir, give me leave to tell you, that there are some that except against the whole Act as null and void in it self, as all Statutes are that are made against Piety, as this seems to them to be: but then they that thus judge, take it for granted that it forbids some exercise of Religion which God commands or allows, and in that case all Lawyers will readily confess it to be of no more force than King *Darius* his Decree, *Dan.* 6. against asking any Petition of God or man for *thirty dayes* save of himself, and which Decree *Daniel* was by a miracle defended in disobeying.

Another Exception which they conceive destroyes the whole *Act* is, its contrariety to the *Fundamental Laws of the Land* in respect of its proceedings: for it seems contrary to the best Clause in all that so much magnified *Magna Charta*, viz. *chap.* 29. *Nullus liber homo capiatur vel imprisonetur, aut dissesietur de libero Tenemento suo, vel libertatibus, vel liberis consuetudinibus suis, aut ut legatur, aut exulbetur aut aliquo modo destruatur, nec super eum ibimus nec super eum mittemus, nisi per legale Judicium parium suorum, vel per legem terræ. Nulli vendemus, nulli negabimus aut differemus justitiam vel rectum.* "No Free "Man may be taken, or imprisoned, or dissesied of his free Tene"ment, or his Libetties or free Customes, or Out-lawed or Banish"ed, or any way Destroyed: Neither will we go upon him, or send "upon him, but by lawful Judgment of his Equals, or by the Law "of the Land. We will sell to none, we will deny to none, or de"fer Justice or Right. It is to be observed that that great *Lawyer* Sir *Edward Cook*, 2d Part *Inst. p.* 49. observes upon the Exposition of *Per Legale Judicium*, that the manner of Trial by *Juries* was by Law before this Statute it self, and so is more ancient than *Magna Charta*. And upon these words, *p.* 50. *Nisi per Legem terræ, But by the Law of the Land*, he saith it is *without due Process of Law*; and that is *by Indictment or Presentment of good and lawful men where such deeds be done, in due manner, or by Writ original of the Common Law.* "Against "this Ancient and Fundamental Law, I find (saith he) an *Act* of "*Parliament* made, that allwel Justices of *Assizes*, as Justices of the "*Peace* (without any finding or presentment by the *Verdict* of 12. "men)

"men) upon a bare Information for the King before them made, "should have full Power and Authority by their discretions to hear "and determine all Offences and Contempts committed or done by "any person or persons against the Form, Ordinance, and Effect "of any Statute made and not repealed, &c. By colour of which "*Act* striking this Fundamental Law, it is not credible what possi-"ble Oppressions, and Exactions, to the undoing of infinite num-"bers of People, were committed by Sir *Richard Empson* Kt. and "*Edmund Dudley*, being Justices of the *Peace*, throughout *England*: "And upon this unjust and injurious *Act* (as commonly in like cases "it falleth out) a new Office was erected, and they made Masters "of the Kings Forfeitures.

"But at the *Parliament* holden in the first year of *Henry* the 8th, "this *Act* of the 11th of *Henry* the 7th, is receited, made void, "and repealed: and the Reason thereof is yeelded, for that by force "of the said *Act*, it was manifestly known, that many sinister, craf-"ty, feigned, and forged Informations had been pursued against "divers of the Kings Subjects, to their great damage and wrongful "vexation. And the ill success hereof, and the fearful end of these "two Oppressors, should deter others from committing the like; "and should admonish *Parliaments*, That instead of this ordinary, "and pretious Trial, *Per Legem Terræ*, they being not in absolute and "partial Trials by discretion. Thus far *Cook*.

Now Sir, Inasmuch as this *Act* allows two Justices of Peace, or the cheif Magistrate of the place, not only to be Witnesses, but to pass Sentence of Imprisonment or Fine, and make Record of the Offence, without any Finding or Presentment by the Judgment of twelve men; it being contrary, both to the Customs of *England*, *Magna Charta*, and the *Statute* of *Henry* the 8th, they judge it absolutely *null* and of *no effect*: So that those that carry on the execution of it are liable to the same miserable end with *Empson* and *Dudley* aforesaid. Besides, That this Judgment and Record of one or two Justices of the Peace, is full two pages of the proceedings, whereby 5000. of his poor Neighbours may be Banished from their native Country, their dear Wives, sweet Babes, loving Friends, and all other accommodations, into another world, for *seven years*, and if they return before that time expired, *to be hanged as Felons*; and all this for nothing but worshipping God according to what they are

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fully perſwaded to be his will. Is this according to the ſo much Celebrated Laws of *England*? Judge, O ye *Turks* and *Pagans*!

But ſuppoſe we that this *Act* were as juſt in every reſpect as Juſtice it ſelf, and moſt neceſſary to the Weal of the Nation, ſo that at leaſt, a third part of the People would be deſtroyed without it be duly executed (as they are likely to be by the execution of it) yet it muſt by no means be executed upon thoſe that are not proved to be guilty of the breach of it. Let us ſee then, what is neceſſary to be proved againſt every man or woman that is juſtly convicted of Breach of this *Act*. *Firſt*, The Priſoner muſt be *ſixteen years of age*. 2ly, He muſt be *a Subject of this Realm*. 3dly, He muſt be *preſent at an Aſſembly, Conventicle or Meeting*. 4thly. Such Aſſembly, Conventicle or *Meeting* muſt be held *under colour or pretence of ſome exerciſe of Religion*. 5thly. He muſt be *preſent* at ſuch Aſſembly or Meeting under ſuch colour or pretence of ſome *exerciſe* of Religion. 6thly. That exerciſe of Religion muſt be in another manner *then is allowed by the Liturgie, or Practice of the Church of* England. 7thly. There muſt be *preſent* at this Aſſembly *five perſons* over and above thoſe of the ſame houſhold. If the Witneſſes fail in any one of theſe Particulars, the Indictment is *void*. Now Sir, I beſeech you, Where ſhall we find Witneſſes competent for ſuch Evidence? Take, for example, a Meeting of *Quakers*, for they are moſt *free* and *open* in their Worſhip, who will be ſo daring as to venture his ſoul upon it, That they meet together *under pretence or colour of any exerciſe of Religion in other manner then is allowed by the Liturgy or practice of the Church of England*? or if any ſhould be ſo bold and mad, as to make no Conſcience of Sweaſing any thing that the Judges ſhould bid him Swear, Shall you, or I, be ſo mad as to believe him, or be ſatisfied in our conſciences that it is ſo? For, let us conſider, what knowledge is requiſite in ſuch a Witneſs, and then try the *Hackney-witneſſes* whether they be ſo qualified. Firſt, It is neceſſary, that he *know every ſingle perſon* againſt whom he *bears* Teſtimony, was there *preſent* under colour or pretence of Religion: But how ſhould he know this, except every ſuch perſon ſhould tell him ſo? But they do conſtantly aver, That they come not together under any pretence or colour (As pretence and colour is oppoſed to intention and reality) and therefore are not guilty. I beſeech you, mark, the *Act* doth not ſay, *Whoſoever ſhall be preſent at any exerciſe of Religion*, but, *ſhall be preſent under pretence*

of

of any exercise of Religion; which words of *pretence* and *colour* are to no purpose, and might have been spared, if to be [*present*] at a Religious Meeting be sufficient to make a man guilty. So that really, according to the best understanding I have, they do wickedly abuse the King and Parliament that adjudge men guilty upon any other score. Again, It is usual both for *Quakers* and *others*, to visit one another, and being together, they take occasion to do some Act of Religion, and perhaps, are found therein, and apprehended; What, did they therefore come together under colour of Religion, because they are Religious? Are both those that profess to meet for Religion, and those that profess it not, but somewhat else, equally guilty? Such a Witness must be of wonderful discerning.

But suppose we, that our Judges will perswade the silly Witnesses, that, if they were found Praying, or Exhorting one another, that then the *pretence* of Religion is evident, (for I will not imagine so much wickedness in any of our Judges as in *Br.* to adjudge men guilty, *that say, nor do any thing*) But 2dly, our Witness must know that this exercise of Religion was in other manner then is allowed by the *Lyturgy* or practice of the Church of *England*; and how shall he know that? Can any man tell what the *Lyturgie* allows, except he hath read it all, and every part, or heard it read? and truly, there is little less than the whole Bible contained in the *Lyturgy*, if you consider the *Epistles*, *Gospels* and *Chapters* that are there appointed to be read. So that the result will be, Whether this exercise of Religion be allowed in the *Bible*, or *Lyturgy* or *Practice* of the Church of *England*, and then it will be necessary that our *Deponent* have read or known, understood, and remembred all, and every part of the holy Scriptures; all, and every part of the *Lyturgy*; all, and every part of the *Practice* of the Church of *England* concerning Religion, whether it be written, or not written. He must also be able to compare this exercise of Religion in the accused Assembly, with the *Scriptures*, *Lyturgy*, and *Practice* of the Church of *England*. He must also be able to determine all Controversies in Religion, to know on which side the Truth lies between the party accused and the Exercise of Religion allowed by the Scriptures, Lyturgy, or Practice of the Church of *England*, and if perhaps the Lyturgy and Practice of the Church of *England* do thwart and contradict the Scriptures, or one another, or themselves concerning this point of Religion in question,

so

ſo that they do in ſome places allow it, and in other places diſallow it: our Witneſs muſt be able to determine certainly upon his Oath, That this exerciſe of Religion is not allowed by the *Lyturgy* or *Practice* of the Church of *England*; and then, *eris mihi magnus Apollo?*

But you will ſay, perhaps, That it is determined by the Church of *England* already what only exerciſe of Religion is allowed, and by conſequence all other are diſallowed: So that, the Witneſs needs only to tell, In what manner they exerciſed Religion, and the Judges will tell the Jury, That the *Lyturgy* and *Practice* of the Church of *England* doth allow it, and then it will be clear between the Witneſs and the Judges to the Jury-man's conſcience, that the Priſoner is guilty according to the *Indictment*. But will this ſatisfie you Sir? Can you take a paſſionate and teaſty Judge's word as your infallible Director in ſo many moſt difficult Controverſies as muſt in this caſe be decided? Will you pin your Faith upon the Judges ſleeve in matters of Religion, (of which perhaps he knows no more then he can find in the *Statute-Book*,) when you have rejected the Church of *Rome*, with all her pretences of *Infallibility*, from being Determineſs in this matter? where I pray hath the Church of *England* determined all Acts of Religion that are to be performed by *five* or more perſons? Doth ſhe not tell us, the Scriptures are the Word of God? Doth ſhe not commend it as a perfect *Rule* of Faith, and Manners? Doth ſhe not tranſlate it into our Mother Tongue, and charge us to reade it diligiently? And muſt we not obey what we judge we find there? The *Papiſts* are in far better caſe than we, that are not permitted to read the Scriptures, if when we have read them we muſt be puniſhed for underſtanding and obeying them the beſt we can. O wittily done, *Robbin Everard*, that didſt chooſe rather to go to *Rome*, than return to the Church of *England*! perhaps thou thought'ſt ſhe was haſtning thither, and thou wouldſt go before to get a good quarter, as fearing thou ſhouldſt ſcarce get any entertainment when ſo great an Army came. But to return, Doth the Church of *England* allow only one manner of exerciſe of Religion, that is, reading the *Lyturgy*? Why then do ye Preachers uſually make Prayers before and after your Sermons, that are not in the *Lyturgy*? Doth not the Church of *England* allow what the Scriptures command? but the divine Author to the *Hebrews* commands Chriſtians, *Heb.* 10. 24, 25. *To conſider one another, to provoke one another to Love, and to Good Works, and*

not to forsake the assembling themselves together, as the manner of some is: For how should they provoke one another to *Love* and *Good-Works*, if they should not Assemble? but you will say, They must assemble among their Neighbors at Church; but there is only one permitted to exhort the rest, if any other should speak there to exhort one another, he should presently be haled to prison, and perhaps lose his life among the Rabble. The same Author commands us *to exhort one another daily, while it is called to day, lest any be hardened through the deceitfulness of sin.* What, will not the Church of *England* allow us to endeavour to prevent the deceitfulness of sin, and hardness of heart? Surely the *Lyturgy* (in the Letany) hath one clause against hardness of heart; must we pray against it, and not labour against it? How absurd is that? Or what? doth not the Church of *England* allow a man to reade the Scriptures or the Lyturgy in his own Family, if there be five persons besides his Family? And is not reading the Scriptures an exercise of Religion? Doth not the Church of *England* allow *five* persons besides the Family to meet together, to consult of relieving *a poor Widow or Fatherless*, and to exhort and stir up one another to this work by mutual Conference or continued Speeches, and Orations out of the Scriptures, and to pray for one another, that they *may keep themselves unspotted* from the Adulteries, Fornications, Prophane Swearings, Oppressions, Cruelties, Malice, Envie, Revenge, Covenant-Breaking, Persecution of Good men, and all manner of Debaucherys of the times? But the Apostle *James* saith, *Pure Religion, and undefiled is this, to visit the Fatherless and Widdows in their affliction, and to keep himself unspotted from the world.* Who will dare to take his Oath, the Church of *England* doth not this allow? Again, I would fain know whether a man may not invite *six* poor People to his House, and there feed their hungry bodies, and instruct their ignorant souls in the knowledge of the Gospel, without incurring the penalty of this Law? Is not this an Act of *Religion*? Can any man be saved without *Charity*? Doth the Church of *England* not allow us to go in the way to Heaven, except it banish us to *Barbados* or *Jamaico*? It shall be lawful there to obey God and be Merciful, but not in *England*.

The holy Apostle *Paul* bids us, *Rom.* 12. 15. *Rejoyce with them that rejoyce, and mourn with them that mourn*; and the Apostle *James* bids us *Confess our faults one to another, and pray one for another*, (Jam. 5. 16.)

16.) that we may be healed? What, muſt we not do it, five or ſix together, without Baniſhment? Doth not the Church of *England* allow it? Have we not juſt cauſe to ſay to theſe, as our Lord ſaid to the Scribes and Phariſes, *Thus have ye made the Commandment of God of none effect by your Tradition*, Statute.

Nay, beſides the Contradiction to our Saviour's Commands, Doth not ſuch an Interpretation of this Law, (forbidding all Religion of ſix perſons, but what is performed at Church by hearing a Parſon, reade the Lyturgy, as the never-to-be-forgotten Judge *Bridgman* expounded it to the ever-to-be-remarked *Hartford* Juryes) Doth it not I ſay, make us inhumane beaſts, as well as irreligious men and women? for how can a man in prudence ſuffer his wife to go to her neighbours labour when ſhe cryes out for her help, leſt perhaps there ſhould be four more, and they all be taken for Conventiclers, for certainly in ſuch extremities, it is uſual for the Labouring woman to cry to God for help, which is a plain Act of Religion; nay, I hear it is common to the good Women after they have finiſhed their work, for the Midwife or ſome other to give thanks, and pray ſolemnly in other manner than is any where to be found in the Lyturgy. Let it therefore be conſidered, that the Travelling-woman, or any other for her, be henceforth prohibited to pray unto God in ſuch caſes, leſt ſhe bring upon her Neighbours for their good-will and humanity, the penalty of three or ſix months impriſonment, or Baniſhment for ſeven years. Or for better ſecurity, let the Parſon alwayes be ſent for as ſoon as the Midwife, to act his part among the good women till their work be finiſhed.

Again, how will it be ſafe for a man to go to his deceaſed Neighbours funeral, leſt ſome body ſhould ſalute the ſurviving Relative with a *I pray God comfort you*, or I pray *God give you Joy after your Sorrow*, and ſo make the whole company liable to a penalty? The like may be ſaid, for praying *Joy* to a new married Couple, or ſaying *God be with you* to our friend, taking a Journey by Land, or a Voyage by Sea, or much more for five perſons going to their neighbours to dinner, except the Prieſt be there to ſay *Grace*.

But laſtly, I know not how any perſons meeting together upon any Occaſion whatſoever can eſcape, taking Judge *Bridgman*'s Sentence for Law, that is, ſaith he, *You muſt not expect a plain punctual Evidence againſt them for any thing they ſaid or did at their Meeting*,

for they may speak to one another, though not with or by auriculer sound, but by a cast of the eye, or a motion of the head or foot, or gesture of the body, &c. if you find or believe in your hearts that they were in the Meeting under colour of Religion in their way, though they sate still only, and looked upon each other, seeing they cannot say what they did there, it was an Unlawful Meeting, &c. If they that are sworn to give Verdict according to Evidence, may proceed to condemn men without Evidence according to what they believe in their heart; and if they may without hearing or seeing what they did, judge them according to what *may be* in their hearts or gestures; then may the Judge have his skin pulled over his ears for false Judgment, for *it may be* he knows in his own conscience it was so. But saith he, *their use and practice was not according to the Lyturgie of the Church of* England, *for it allows and commands when people meet together in the Church, that Divine Service should be read, &c.* Is it not rarely well argued? the Lyturgy commands that when people meet together in the Church, Divine Service shall be read, therefore it doth not allow that when people are met together in a private house, Divine Exhortations should be given, or that people should sit together without saying or doing any thing. This is not *Lawyers Latin*, but *Lawyers Logick*, and the great and dreadful God of Heaven and Earth will try it, whether it be made in any true mode or figure of Justice. I have proved to you in many cases, and might in many more, that if the Lyturgy be not contrary to the Scriptures and it self, it allows of Meetings and Acts of Religion, the manner whereof is not determined by the Lyturgy of the Church of *England*. The Judge might as well have argued thus; The Lyturgy allows men to eat and drink Bread and Wine given by the hand of a Priest at Church; Therefore men may not eat and drink Bread and Wine with thanksgiving at their own Tables. If a Sophister in the Schools should use such a Fallacy, he might be hissed at for a *Dunce*, and there's an end on't; but to delude God and Jury-mens Consciences, and to banish harmless and meek men from their Native Country, Husbands from their dear Wives, Parents from their tender Babes, Kinsfolk from Kinsfolk, and loving Neighbours and Friends from the sweet society of their Neighbours and Friends; this is intolerable, and a Judgment that God will judge: and I perswade my self you will ever keep your self from partaking in such gross Iniquity. And this leads me to the consideration the

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Equitableneſs of the puniſhment, and the proportion that is between that and the Offence; for in all juſt Laws the penalty is not greater than the nature of the Fault requires. Now ſuppoſing the Fault to be ſuch as the Interpreters would make us believe, that is, that men and women from an erroneous perſwaſion do meet together, to worſhip God in other manner than is allowed by the Church of *England*, can it be imagined the Parliament would puniſh ſuch an Error as this with horrid *Baniſhment for ſeven years*? far be it from us to think ſo unworthily of an *Engliſh Parliament*. No, the Intention of the Parliament is manifeſt from the Title and Preface of the Act: the Title, *An Act to prevent and ſuppreſs ſeditious Conventicles*: but what Sedition in worſhipping God erroneouſly? The Preface, *For remedy againſt Seditious Sectaries and other diſloyal perſons, who under pretence of Tender Conſciences, do at their Meetings contrive Inſurrections, &c.* and therefore the matter of Fact is, perſons meeting under *colour and pretence of Religion*; whereby it plainly appears they intended not to puniſh thoſe that have no other Intention in their religious Exerciſes but what appears; but ſuch as only pretend Religion for Seditious ends: To ſuch indeed, where that Seditious mind is diſcovered and manifeſt, the puniſhment may be proportionate; but for perſons that have no other intention in Meeting, or at leaſt in whom no other intention can any way be made manifeſt, but to pleaſe God and ſatisfie their own Conſciences, for them to be puniſhed in this manner, is like as if a Parent ſhould baniſh one of his Children out of his preſence, and from his table, into *Jamaica* or *Barbados* to be educated among his *Cow-herds* and *Hog-herds* for ſeven years, becauſe he hath a weak ſtomach and cannot eat the wholſome food of the other Children. Therefore it is wholly to be held that either this is not the puniſhment, or that is not the offence; for there is no proportion between them.

Again, how can it be imagined the *Parliament* would forbid all religious Meetings, ſave at the Pariſh Church, becauſe thirty men once came out of ſuch a Meeting to make a Sedition and Tumult? Can any man ſuppoſe that Inſurrections are contrived in a Meeting of eighty or an hundred People of all ſorts, Men, Women and Children? Surely no State or Kingdom need fear ſuch Plots; Are not Inſurrections rather contrived in ſecret chambers, where queſtionleſs there are not above five beſides thoſe of the houſhold? why

ſhould

ſhould it not therefore be prohibited for men to come together upon any occaſion whatſoever in any number? You will ſay this cannot be, for it will deſtroy Trading and Society? But what I pray, is not trading for Heaven and religious Society, as neceſſary as civil commerce and worldly Commodities? But you will ſay, They may meet at the Parish Church for Religious Society: But I have ſhewed before, that many things are to be done in Religion which cannot be done there, neither is it permitted if it could. And beſides Sedition hath been moved and acted at the publick Church, witneſs *Scotland* in the beginning of the late Wars; and *Dr. Duck* at *Magnes*: A common thing to preach Sedition in the Pulpit. Muſt we therefore be prohibited from meeting at Church, and commanded to worſhip God at home, every Family by it ſelf? if ſome perſons abuſe of a thing could have made it unlawful, we ſhould by this time have had nothing lawful. The preaching of the Goſpel was in the pureſt times, done by ſome out of envy, and yet that did not hinder others from doing it out of good will. The Grace of God was by ſome turned into Laſciviouſneſs, yet it taught others to deny all ungodlineſs and worldly luſts, &c. Thoſe that met Seditiouſly, were therein as offenſive to thoſe that meet now peaceably, and religiouſly, as they were to the King and Parliament.

Now Sir, upon the whole matter, that I may draw to a concluſion; Can you believe in your conſcience that the *Quakers* and *others* that come before you for religious Meetings, have ſeditious Intentions and Contrivances under the pretence of Religion? *Do* you think it poſſible for any Witneſs or Judge on Earth to ſatisfie your ſworn conſcience, that the Exerciſe of Religion among the *Quakers* or any other profeſſion among us is not allowed by the Scriptures, Lyturgy or Practice of the Church of *England*? Miſtake me not, I ſay not that you cannot be ſatisfied in conſcience that ſome profeſſions do err in ſome matters of Doctrine or Practice, ſo as that you can neither conſent with them, nor do as they do: But can you take your Oath that they err *maliciouſly*? Can you venture your Eternal Salvation on it, that their exerciſe of Religion is a ſin that deſerves to be puniſhed with ſeven years Baniſhment?

Suppoſe the Witneſs ſay, they were met together at a private houſe, and prayed together, and exhorted one another, but did not reade either their Prayers or Exhortations out of a Book called the *Lyturgy*, and

and the Judge tell you that this is ſufficient as to matter of fact; can you hereupon pawn your Soul and all your earthly comforts, that they are guilty according to the Indictment? They ſhall be baniſhed out of their Country for ſeven years; Will you freely be baniſhed out of Heaven evermore, if they be not ſufficiently proved guilty? They ſhall be ſent to *Jamaico* or *Barbados*; Will you be ſent to Hell if they be not ſufficiently proved guilty? They ſhall be ſeparated from their Wives, Children, Parents, Kinsfolk, Friends and Neighbours for ſeven years; will you willingly be ſeparated from the preſence of the Lord and his holy Angels and Saints for ever, if they be not ſufficiently proved guilty? They ſhall be damnified in their Trades, and in the comfortable enjoyment of their Families and Friends; are you willing to be curſed by God in your Trades, Families, Friends, and in whatſoever is dear to you, if they be not ſufficiently proved guilty? They ſhall be hanged up as Felons if they return without Licence in ſeven years ſpace; can you appeal to God with a good conſcience, and ſay before the great and dreadful Judge of Heaven and Earth; Lord, let me ſuffer Death and Damnation as a Murderer, if theſe perſons be not ſufficiently proved guilty? Whoever underſtands the nature of an Oath and Verdict, this is the Caſe between the Jury-man and the Priſoner.

But you will ſay, Perhaps the Judge will be angry, & threaten, and ſay, *My Maſters, will you make a noſe of wax of the Law, and ſuffer the Law to be baffled? thoſe that think to deceive the Law, the Law will deceive them*: and perhaps I ſhall be ſent for to the Court and impriſoned in the *Gatehouſe*, and ſo be undone by great Charges and loſs of my Trade. But ſuch a thing as that would be ſuch Injuſtice as never was heard of; and it cannot be imagined, that his Majeſty would ſuffer it: It is altogether improbable that any man ſhould ſuffer in this kind: I only ſuppoſe the worſt that can be ſuppoſed; and if the worſt is to be endured; how much more when it ſhall be only a chiding? I ask thee again, Whether thou hadſt rather incur the diſpleaſure of God or of man? Whether thou hadſt rather ſuffer from men in thy Trade, Family and Liberty, or be curſed by God in them all? Whether the *Gatehouſe or Hell* be worſe? Whether it be not better to truſt God, with a good conſcience, than to truſt the Devil with a bad one? If thou doſt believe that God rules the world, that he favoureth and bleſſeth the Righteous, and puniſheth the Wicked, both

both in this world, and that which is to come, then keep thy conscience clean, doe righteously though thou suffer by it: *Fear not them that kill the body, and have no more that they can do. But rather fear him, which is able to destroy both body and soul in Hell.*

But why do I use such severe expostulations with you, of whose tenderness of conscience I have so great and clear evidence? I know you can sooner dye upon the place, then bring in any such peaceable person, Unity; as well knowing that there is already *We* pronounced against him that shall *Offend the least of Christ's little ones; it were better for him that a Mastone were hanged about his neck, and he cast into the depth of the Sea.* I know you do approve of that most prudent counsel of that most Famous Doctor of Law amongst the *Jews, Gamaliel; Act.* 5. 38, 39. *Refrain from these men, and let them alone, (for if this Counsel or this work be of men it will come to nought; but if it be of God, ye cannot overthrow it) lest happily ye be found even to fight against God.* I cannot but much wonder, with what conscience two Justices of Peace, or one Chelf Magistrate, can play the parts of *Judge, Jury,* and *Witness,* against these poor men, and condemn them for *Meeting Seditiously,* because they meet simply to exercise Religion according to their conscience. I appeal to you, whether this Opposition doth not call for the Judgments of God upon the whole Nation.

The Lord give them that are guilty in this kind, Repentance and Remission of Sins; and deliver you from partaking with them, either in their Sin or Punishment.

I am

Your affectionate Christian Friend

H. E.